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MILBANK, TWEED, HADLEY & MCCLOY LLP
1 CHASE MANHATTAN PLAZA
NEW YORK NY 10005-1413

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AUG 24 2004

OFFICE OF PETITIONS

In re Application of :
Stephen E. Gray, Stephen L. Roti, and David :
A. Seaman :
Application No. 10/723,264 : DECISION ON PETITION
Filed: November 26, 2003 : UNDER 37 C.F.R. §1.47(a)
Attorney Docket No. 36287-04404 :
Title: METHOD AND SYSTEM FOR :
TRANSFER OF EMPLOYEE STOCK :
OPTIONS :

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed July 9, 2004.

On November 26, 2003, the application was deposited, identifying Stephen E. Gray, Stephen L. Roti, and David A. Seaman as joint inventors. The application was deposited without an oath or declaration. On February 25, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that an executed oath or declaration, a surcharge of \$130.00, and replacement drawings were required. This Notice set a two-month period for reply.

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

With the instant application, petitioner submitted the last known address of the non-signing inventor, a declaration signed by each of the inventors save Mr. Roti, replacement drawings, a declaration of facts, and the petition fee and surcharge. A three-month extension of time was included to make timely this response.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR §1.47(a).

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 3600 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office



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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Stephen L. Roti
33 Clubside Drive
Woodmere, NY 11598

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AUG 24 2004

OFFICE OF PETITIONS

In re Application of :
Stephen E. Gray, Stephen L. Roti, and David A. Seaman :
Application No. 10/723,264 :
Filed: November 26, 2003 : LETTER
Attorney Docket No. 36287-04404 :
Title: METHOD AND SYSTEM FOR TRANSFER OF :
EMPLOYEE STOCK OPTIONS :
:

Dear Mr. Roti:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0011. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: MILBANK, TWEED, HADLEY & MCCLOY LLP
1 CHASE MANHATTAN PLAZA
NEW YORK NY 10005-1413